

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALBERT D. TREICHEL, CATHLEEN
L. TREICHEL,

Plaintiffs,

v.

Case Number 09-13489-BC
Honorable Thomas L. Ludington

ENERGY PROPANE, LLC, EMERSON
ELECTRIC COMPANY,

Defendants.

/

**ORDER GRANTING LEAVE TO PLAINTIFFS AND DEFENDANTS TO BRIEF THE
ISSUE OF DIVERSITY JURISDICTION**

On September 3, 2009, Plaintiffs Albert and Cathleen Treichel filed a complaint alleging diversity jurisdiction against Defendants Inergy Propane LLC and Emerson Electric Company. On November 17, 2009, the Court directed Defendant Inergy Propane LLC to identify the citizenship of each of its members to satisfy itself that diversity jurisdiction exists in this matter. *See Homfeld II, L.L.C. v. Comair Holdings, Inc.*, 53 F. App'x 731, 732-33 (6th Cir. 2002) (explaining that a limited liability company's citizenship is derived from the citizenship of each of its members). In response [Dkt. # 14], Defendant Inergy Propane LLC represented that it was a wholly owned subsidiary of Inergy, LP, which is organized under Delaware law with its principal place of business in Missouri.

Based on the information received, the Court further directed Defendant Inergy Propane LLC to identify the citizenship of each of Inergy LP's partners. The Court explained that the citizenship of a limited partnership is not determined by the state of organization and principal place of business, but rather by the citizenship of each of its partners. *See Carden v. Arkoma Assocs.*, 494

U.S. 185 (1990). In response [Dkt. # 16, 17], Defendant Inergy Propane LLC acknowledged that Inergy LP is a “publicly traded entity with a large number of limited partners believed to be present in all fifty states,” including Michigan. Despite this, Defendant Inergy Propane LLC maintains that diversity jurisdiction exists, asserts that this case is distinguishable from *Carden*, and requests additional time to brief the issue. Based on the above, the Court will grant both Plaintiffs and Defendants an opportunity to brief the question of whether the citizenship of each of the limited partners of Inergy LP should be considered to determine the citizenship of Defendant Inergy Propane LLC.

Accordingly, it is **ORDERED** that both Plaintiffs and Defendants are **GRANTED LEAVE** to file briefs on or before **January 5, 2010**, addressing the citizenship of Defendant Inergy Propane LLC for the purpose of establishing diversity jurisdiction.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 14, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 14, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS